

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS NO. 1497 OF 2015
IN
EXECUTION APPLICATION NO. 455 OF 2013**

Alankit Exports Pvt Ltd	...Applicant
<i>Versus</i>	
Firstwinner Textiles (India) Pvt Ltd	...Respondent
<i>And</i>	
State Bank of India	...Applicant

Mr DP Guchiye, for the Judgment Creditor.
Mr Vivek Sawant, for the Applicant.

CORAM: G.S. PATEL, J
DATED: 5th June 2018

PC:-

1. The property that is sought to be attached by the Judgment Debtor, an unsecured creditor, is a flat that was demonstrably mortgaged with the State Bank of India, the Applicant. The State Bank of India has already adopted recovery proceedings against the property under the SARFAESI Act and has also filed Original Application in the Debt Recovery Tribunal. Obviously the attachment cannot continue.

2. The Chamber Summons is made absolute in terms of prayer clauses (b) and (c).

(G. S. PATEL, J)